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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,557	01/02/2002	Christian Kraft	367.40493X00	7117
20457	7590	08/24/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			ARSHAD, UMAR	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/936,557

**Applicant(s)**

KRAFT, CHRISTIAN

**Examiner**

Umar Arshad

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/2/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/14/2001.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Deluca et al., International Publication No. WO 97/19429.

As per claim 1, Deluca teaches a method for handling messages transmitted between communication terminals via a wireless network, characterized by generating a compound message including a text part and at least one graphical icon part (see page 5, lines 13 – 14);

said compound message generation includes:

reading of a user inputted text part and converting the inputted text into a predefined message text format (see page 5, lines 13 – 21);

adding a graphical part to the message, said graphical part includes a record for each of said at least one graphical icon part in a graphical format (see page 4, lines 8 – 25);

adding information in the message defining the position of said at least one graphical icon part in the text part (see page 5, lines 5 – 12 and page 6, lines 20 – 26); and  
transmission of the message via the wireless network (see page 7, line 33 – page 8, line 2).

As per claim 11, it is of similar scope to claim 1 and is rejected under the same rationale.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 5 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugio et al., U.S. Patent No. 6,032,025 in view of Mochizuki, U.S. Patent No. 5,828,313.

As per claim 2, Sugio teaches a communication terminal for handling messages and having a controller, a transceiver for communicating with a wireless communication network, and a user interface through which the user operates the terminal, said user interface includes a display (see Sugio, column 2, lines 30 – 50), characterized by that said communication terminal furthermore comprises:

a message editor application by means of which the user is allowed to generate a compound message including a text part and at least one graphical icon part (see Sugio, column 2, lines 30 – 42 and column 7, lines 29 – 60);

said controller generates a message for being transmitted via said transceiver (see Sugio, column 2, lines 34 – 36), said message includes:

a text part in a predefined message text character format (see Sugio, column 7 lines 41 – 42), and

a graphical part including a record for each of said at least one graphical icon part in a graphical format (see Sugio, column 7, line 37).

Sugio does not teach information in the message defining the position of said at least one graphical icon part in the text part. Mochizuki teaches information in the message defining the position of said at least one graphical icon part in the text part (see Mochizuki, column 2, lines 40 – 47). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Mochizuki with the method of Sugio in order to allow more user control over used screen space.

As per claim 5, which is dependent on claim 2, Sugio and Mochizuki teach the method of claim 2 (see rejection above). Sugio further teaches the communication terminal according to claim 2, characterized by that the message editor allows the user to copy a pre stored graphical icon from memory means associated with the controller and containing a plurality of clip art like graphical icons (see Sugio, column 6, lines 27 – 42 and column 7, lines 48 – 52).

As per claim 6, which is dependent on claim 2, Sugio and Mochizuki teach the method of claim 2 (see rejection above). Sugio further teaches the communication terminal according to claim 2, and characterized by furthermore comprising a message reader application for automatically converting a received compound message into a displayable format based on the text part and the at least one graphical icon part (see Sugio, column 9, lines 7 – 22).

As per claim 7, which is dependent on claim 6, Sugio and Mochizuki teach the method of claim 6 (see rejection above). Sugio further teaches the communication terminal according to claim 6, characterized by that the message reader application has means for allowing the user to store the at least one graphical icon part in memory means associated with the controller and containing a plurality of graphical icons (see Sugio, column 6, lines 27 – 34).

As per claim 8, which is dependent on claim 2, Sugio and Mochizuki teach the method of claim 2 (see rejection above). Sugio further teaches the communication terminal according to claim 2, characterized by that the message editor application has means for allowing the user to manually generate a graphical icon on the display by selectively marking dots in an icon matrix (see Sugio, column 17, lines 36 – 43).

As per claim 9, which is dependent on claim 8, Sugio and Mochizuki teach the method of claim 8 (see rejection above). Sugio further teaches the communication terminal according to claim 8, characterized by that the message editor application has means for allowing the user to store the manually entered graphical icon in memory means associated with the controller and containing a plurality of graphical icons (see Sugio, column 18, lines 29 – 35).

As per claim 10, which is dependent on claim 2, Sugio and Mochizuki teach the method of claim 2 (see rejection above). Sugio further teaches the communication terminal claim 2, characterized by that the message editor application has means for allowing the user to input a plurality of graphical icons in the graphical part of the message and information in the message to display this plurality of graphical icons as an animation sequence (see Sugio, column 42, lines 19 – 22).

Claims 3, 4, and 12 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugio et al., U.S. Patent No. 6,032,025 in view of Mochizuki, U.S. Patent No. 5,828,313 further in view of Medina, U.S. Patent No. 6,047,828.

As per claim 3, which is dependent on claim 2, Sugio and Mochizuki teach the method of claim 2 (see rejection above). Sugio and Mochizuki do not teach the communication terminal according to claim 2, characterized by that the message generated by the controller includes a header part including the position information. Medina teaches wherein a message includes a header part including position information of graphics (see Medina, column 3, lines 34 – 66). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Sugio and Mochizuki with the method of Medina in order to allow image data and text data to be properly reconstructed into their proper special relationships.

As per claim 4, which is dependent on claim 2, Sugio and Mochizuki teach the method of claim 2 (see rejection above). Sugio and Mochizuki do not teach a communication terminal according to claim 2, characterized by that the header part of the message furthermore includes information about the size of the graphics. Medina teaches wherein a message includes a header part including size information of graphics (see Medina, column 3, lines 34 – 66). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Sugio



and Mochizuki with the method of Medina in order to allow image data and text data to be properly reconstructed into their proper special relationships.

As per claim 12, it is of similar scope to claim 4 and is rejected under the same rationale as claim 4 (see rejection above).

As per claim 13, which is dependent on claim 3, Sugio, Mochizuki and Medina teach the method of claim 3 (see rejection above). Sugio further teaches the communication terminal according to claim 3, characterized by that the message editor allows the user to copy a pre stored graphical icon from memory means associated with the controller and containing a plurality of clip art like graphical icons (see Sugio, column 6, lines 27 – 42 and column 7, lines 48 – 52).

As per claim 14, which is dependent on claim 4, Sugio, Mochizuki and Medina teach the method of claim 4 (see rejection above). Sugio further teaches the communication terminal according to claim 4, characterized by that the message editor allows the user to copy a pre stored graphical icon from memory means associated with the controller and containing a plurality of clip art like graphical icons (see Sugio, column 6, lines 27 – 42 and column 7, lines 48 – 52).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Arshad whose telephone number is (703) 305-0329. The examiner can normally be reached on Monday - Friday, 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UA

  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100